THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16356 of 2003

Dated: 03-08-2006

Between:

Mudunuru Lakshmi.

..... PETITIONER

AND

The District Collector, Visakhapatnam, and three others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16356 of 2003

ORDER:

The petitioner is resident of Madhuravada Village, Visakhapatnam. She alleges that the then Tahsildar, Visakhapatnam, assigned land admeasuring Acs.2.00 in survey No.1/8 of said Village by way of a

D-Form patta dated 28-06-1979. It is alleged that the members of the family of the petitioner developed the land by spending huge amounts and have been cultivating the lands and that the name of the petitioner was mutated in the revenue records like 10(1) Account and 2 Adalgal Registers. The petitioner also alleges that she obtained a sum of Rs.14,500/- by way of a loan from the District Cooperative Central Bank, Maharanipet Branch, Visakhapatnam, for the purpose of agriculture and duly repaid the amount. Subsequently she allegedly availed a sum of Rs.48,000/- as a loan for the development of casionut garden and sheep, and also raised banana, mango and eucalyptus trees. The respondents

3 and 4 came to the light on 30-07-2003 and started measuring the land. They allegedly directed the petitioner to handover the land within eight days and therefore, she filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in measuring her land as illegal and for a direction to the respondents not to dispossess her.

The respondents 1 and 2 filed a common counter-affidavit. The allegations that the petitioner was assigned land by D-Form patta is denied alleging that the patta is fabricated one. It is further alleged that the land in survey No.1/8 admeasuring 4.22 cents of said Village has been assigned in favour of Vandrasi Kithayya and that the land was not assigned to the petitioner. It is further stated that the assignee did not take possession and therefore it was directed to handover possession to the landless poor persons. It is further stated that the Mandal Revenue Officer (MRO) passed orders on 15-11-2001 cancelling the assignment in favour of Kithayya and that the same was not challenged. Therefore, as per the orders of the Government, the District Collector handed over possession to the Andhra Pradesh Housing Board. The petitioner has filed a reply affidavit. Except reiterating the allegations made in the writ affidavit and denying the counter averments, no new facts are brought out nor any material is placed before this Court to controvert the allegations made in the counter-affidavit.

As stated in the counter-affidavit, the land was assigned to one

Vandrasi Kithayya by the then Tahsildar, Visakhapatnam, but subsequently, MRO cancelled the assignment by proceedings dated 15-11-2001. A copy of said proceedings is also annexed to the counter-affidavit. Further, a xerox copy of the assignment register is placed before this Court, which would belie the contention of the petitioner that the land was assigned in her favour. The proceedings of the District Collector, dated 02-07-2003, whereby and whereunder, MRO was permitted to handover possession of the land admeasuring Acs.18.95 cents in survey Nos.1/3, 1/4, 1/6 and 1/8 of said Village to the Andhra Pradesh Housing Board is also annexed to the counter-affidavit in support of the case of the respondents. The petitioner has not placed any material in support of her case. Therefore, this Court is not inclined to accept the writ petition.

The writ petition is accordingly dismissed. No costs.

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V.V.S.RAO, J

3rd August, 2006

ghn